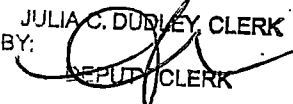


IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT  
AT ROANOKE, VA  
FILED

NOV 19 2018

JULIA C. DUDLEY, CLERK  
BY:  DEPUTY CLERK

LINDA RENE CODY,

Appellant,

v.

CHRISTOPHER T. MICALÉ,

Trustee

Appellee.

Case No. 7:18-cv-00471

By: Michael F. Urbanski  
Chief United States District Judge

**ORDER**

This matter is before the court on appeal from the U.S. Bankruptcy Court for the Western District of Virginia. Pursuant to Federal Rule of Bankruptcy Procedure 8002(a), a notice of appeal must be filed within 14 days of the date of entry of the order from which the appellant wishes to appeal. The 14-day appeal period is jurisdictional: If the appeal is not filed within 14 days of the entry of the order being appealed, the court must dismiss the appeal for lack of jurisdiction, subject to certain exceptions not applicable here.<sup>1</sup> See In re Hamid, 557 F. App'x 208 (4th Cir. 2014) (citing Bowles v. Russell, 551 U.S. 205, 214 (2007)).

Appellant Linda Rene Cody appeals from the Bankruptcy Court's Order Dismissing Case with Restrictions (the "Order"), In re Cody, 18-70654 (Bankr. W.D. Va. July 17, 2018), ECF No. 44. The Bankruptcy Court issued the Order on July 17, 2018, yet Cody did not file a notice of appeal until September 20, 2018—66 days after the entry of the Order and 52

<sup>1</sup> Under Fed. R. Bankr. P. 8002(b), the time to file an appeal starts to run after the timely filing of a motion under Fed. R. Bankr. P. 7052, 9023, or 9024. Cody did not file a motion under any of those Rules. Similarly, Fed. R. Bankr. P. 8002(c) does not apply because Cody does not appear to be an inmate.

days after the time to appeal had lapsed. Cody failed to file a timely appeal, and the court must dismiss her appeal as untimely.

Accordingly, Cody's appeal is **DISMISSED**. The Clerk is directed to send copies of this order to the appellant.

It is **SO ORDERED**.

Entered: 11-19-2018  
*/s/ Michael F. Urbanski*  
Michael F. Urbanski  
Chief United States District Judge